THE 20th
ANNUAL REPORT

OF THE

CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1 - DECEMBER 31, 1991

Administered by the
Workers' Compensation
Board of British Columbia
for the Ministry of the
Attorney General

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CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

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Administered by the Workers' Compensation Board of British Columbia for the Ministry of the Attorney General

Minister responsible for the Act:
The Honourable Colin Gabelmann
Attorney General
Province of British Columbia
Agency responsible for the administration of the Act:
Workers' Compensation Board of British Columbia

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28 February 1992

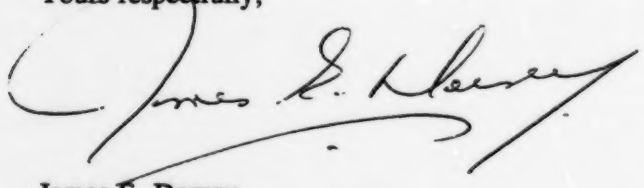
TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1991 to 31 December 1991.

Yours respectfully,



James E. Dorsey

Chairman, Board of Governors

Workers' Compensation Board

Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of the commission of any one of 54 criminal offences set out in the schedule of the Act or where the injury or death resulted while a person was trying to arrest an offender, prevent the commission of a crime or render assistance to a peace officer.

The legislation applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

The Board has experienced a significant increase in claims volume in recent years with the workload increasing by 24% annually between 1988 and 1990. In 1991 the Board moved to a system of recording multiple claims within a single family as one claim. This resulted in a 13% increase in 1991.

4,466 new applications were received during the year, which when added to the 2,011 applications carried forward from the previous year, presented 6,477 claims for consideration and decision: of that number 3,241 applications were disposed of leaving 3,236 cases to be carried forward to the following year. Since the Act has been in force the Board has received a total of 28,016 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

Three decisions on actual claims have been reproduced on pages 16 to 21 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act. A random selection of claims processed during the year is contained in summary form on pages 22 to 29.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded in respect of the injury or death of one victim, is $50,000.00. In cases where the injury results in permanent or temporary disability a periodic award within the limits prescribed by the Act may be awarded. The Board is precluded from awarding compensation where the amount payable is less than $100.00.

Compensation may be awarded for: (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss incurred by dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial appliances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be granted for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the Province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

3,345 claims were adjudicated in 1990 resulting in awards being granted in 2,637 claims, 441 claims being disallowed and 267 claims being withdrawn by the applicants. 3,241 claims were adjudicated in 1991 resulting in awards being granted in 2,503 claims , 566 claims being disallowed for a variety of reasons and 172 claims were not proceeded with by applicants.

Sexual offences represented approximately 72% of the type of crime involved in allowed claims during 1990. Assaults, including spousal assaults, were the most common type of crime involved during 1991. Of the 2,503 awards that were granted during the year, 1,111 or approximately 44% of the total related to assaults. Sexual offences were the next most frequent category of crime involved. Of the 2,503 awards that were granted during the year,

1,101 or approximately 43% of these involved sexual offences. These offences include cases involving the sexual abuse of children and sexual assaults.

A total of $ 11,703,884 was paid out in compensation awards in 1990 and that sum increased to $15,989,661 for award payments in 1991. Of the total of $15,989,661 paid in 1991, $13,394,292 was awarded in the form of lump sum payments and $2,595,369 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years and are subject to cost of living increases. Since enactment of this legislation a total of $75,436,904 has been paid out in compensation awards.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim/witness agencies, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding the compensation awards continue to be sent to newspapers, radio and television stations in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The expenditures for the year amounted to $ 17,134,324. Administration costs amounted to $ 1,144,663 ($1,194,028 less $49,365 recovered from third parties and applied to administration costs) or approximately 6% of that total. Additional details of these expenditures are contained on page 12 of this report.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the

Government of Canada, except for administration costs, 25 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1991 the contribution by the Federal Government amounted to $782,925 or 25 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1990.

Criminal injury applications require extensive information gathering from the criminal justice system, doctors, hospitals and witnesses. Because of these external factors there is a built in delay in the processing of claims. In addition to the general increase in the number of new Applications received a great number of those Applications are submitted in relation to sexual offences and spousal assaults resulting in a more complex type of claim file. Socio-economic environment and pre-existing disabilities of the claimant may be a factor to the injuries suffered which generally include physical and psychological trauma. In order to determine the direct relationship between the criminal event and the resulting injuries and the appropriate rehabilitation services to be offered to victims, an extensive investigation is required.

There are currently 2,000 claim files ready for adjudication. Two (2) new Legal Adjudicators are being hired to address the issue of the existing backlog. A minimum of two (2) additional Legal Adjudicators needs to be hired during 1992 in order to avoid further backlogs. If Applications continue to increase at the anticipated rate of approximately 20% per year and in order to attempt to reduce the time claimants must wait for a decision [currently between 8 to 12 months], a minimum of another two (2) Legal Adjudicators will need to be hired by 1994.

In addition to the new applications received every year, there are approximately 2,000 accounts for services rendered to victims received on a monthly basis. This figure continues to increase in direct proportion to the increase in the number of new applications received relating to sexual offences and family violence where in addition to the physical injury there is psychological trauma. These accounts must be monitored on an ongoing basis and decisions made as to validity of the charges, correctness of fees, reasonableness of requests to include other family members in counselling sessions, whether or not to extend the period of time for which the Board will accept responsibility for these files, success of treatment and many other related issues.

POLICY REVIEW

The Governors of the Workers' Compensation Board have recommended that a policy review of the program be conducted under the guidance of a committee of Governors headed by the Chairman, Mr. J. Dorsey. It is anticipated that a new Policy Manual will be published in 1992. Procedures will be reviewed to ensure that administrative services comply fully with the policies endorsed by the Governors.

ACKNOWLEDGEMENTS

The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer workers and various other persons and associations for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

Respectfully submitted,

James E. Dorsey
Chairman, Board of Governors
Workers' Compensation Board

Kenneth Dye
Chief Executive Officer and President
Workers' Compensation Board

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-89	1990	1991	Total to Date
Applications received	19,593	3,957	4,466	28,016
Number of awards granted	13,976	2,637	2,503	19,116
Awards paid	$47,743,459	$11,703,884	$15,989,661	$75,436,904

SUMMARY OF APPLICATIONS AND DISPOSITIONS

January 1, 1991 to December 31, 1991	
Applications carried forward from prior years	2,011
Applications received in 1991	4,466
	6,477

Disposition of Applications:

(a) Applications allowed - awards granted	2,503
(b) Applications denied - awards to applicants not allowed	566
(c) Applications withdrawn/abandoned	172
(d) Applications carried forward to 1992	3,236
	6,477

Summary of awards:

(a) Number of lump sum awards granted in 1991	2,460
(b) Number of periodic awards granted in 1991	43
(c) Lump sum payments	$13,394,292
*(d) Periodic payments	2,595,369
	$15,989,661

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

DANGEROUS USE OF FIREARMS	7
COMMON NUISANCE CAUSING HARM	9
FAILURE TO PROVIDE NECESSARIES	4
CAUSING DEATH BY CRIMINAL NEGLIGENCE	1
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	12
MURDER	54
MANSLAUGHTER	4
ATTEMPTED MURDER	38
SEXUAL TOUCHING OF PERSON UNDER 14	497
INVITE SEXUAL TOUCHING OF PERSON UNDER 14	1
SEXUAL EXPLOITATION OF YOUNG PERSON	264
INCEST	5
OPERATION OF AIRCRAFT IN DANGEROUS MANNER	1
DANGEROUS OPERATION OF VESSEL OR TOWED OBJECT	1
ABDUCTION OF PERSON UNDER 14	3
KIDNAPPING	7
ASSAULT	602
ASSAULT WITH WEAPON OR CAUSING BODILY HARM	446
AGGRAVATED ASSAULT	63
UNLAWFULLY CAUSING BODILY HARM	2
TORTURE	1
ROBBERY	124
ASSAULTING A POLICE OFFICER	1
SEXUAL ASSAULT	322
SEXUAL ASSAULT WITH WEAPON, THREATS TO THIRD PARTY OR CAUSING BODILY HARM	5
AGGRAVATED SEXUAL ASSAULT	7
INTIMIDATION BY VIOLENCE	14
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	2
ARSON	3
ASSISTING A PEACE OFFICER	2
PREVENTING A CRIME	1
	2,503

SUMMARY OF EXPENDITURES
For the year ended 31 December 1991

Claims costs:		
Awards paid		$15,989,6
Administration Costs:		
Salaries and payroll	$907,002	
Occupancy and other service costs	11,691	
Travel and field investigations	19,248	
Communications	15,829	
Equipment	31,137	
Supplies and stationery	12,182	
Miscellaneous (Investigations, Memberships)	75,204	
Consulting Fees	121,735	
Less Third Party recoveries	(49,365)	1,144,6
Total Expenditure		$17,134,3

APPLICATIONS BY AREA

ABBOTSFORD	65	COQUITLAM	84
AGASSIZ	15	CORTES ISLAND	2
AHOUSAT	1	COURTENAY	50
ALDERGROVE	12	COWICHAN LAKE	5
ALERT BAY	2	CRAIGELLACHIE	1
ALEXANDRIA	1	CRANBROOK	14
ALEXIS CREEK	3	CRESTON	3
ARMSTRONG	10	CROFTON	1
AHSCROFT	7	CULTUS LAKE	3
BALFOUR	1	CULTUS LAKE PROVINCIAL PARK	1
BAMFIELD	2	CUMBERLAND	9
BARNHART VALE	1	D'ARCY	1
BARRIERE	5	DAWSON CREEK	17
BELLA BELLA	2	DEASE LAKE	1
BELLA COOLA	3	DECKER LAKE	1
BLACK CREEK	3	DELTA	57
BLUE RIVER	3	DENMAN ISLAND	1
BOSTON BAR	2	DEROCHE	3
BOWSER	1	DEWDNEY	1
BRACKENDALE	1	DOUGLAS LAKE	1
BRENTWOOD BAY	2	DUNCAN	54
BURNABY	169	EDGEWOOD	1
BURNS LAKE	10	EGMONT	1
CACHE CREEK	1	ELBOW LAKE	1
CAMPBELL RIVER	75	ELKFORD	1
CANIM LAKE	1	ELKO	1
CASTLEGAR	4	ENDERBY	3
CEDAR	1	ERRINGTON	2
CHASE	2	ESQUIMALT	9
CHEMAINUS	2	FANNY BAY	1
CHERRYVILLE	1	FERNIE	1
CHETWYND	5	FIELD	1
CHILLIWACK	73	FORT FRASER	3
CHRISTINA LAKE	2	FORT LANGLEY	7
CLEARBROOK	16	FORT NELSON	8
CLEARWATER	8	FORT ST. JAMES	19
CLINTON	1	FORT ST. JOHN	10
CLOVERDALE	9	FRANKLIN RIVER	1
COBBLE HILL	1	FRASER LAKE	7
COLDSTREAM	1	FRENCH CREEK	1
COLWOOD	11	GABRIOLA ISLAND	1
COMOX	21	GALIANO ISLAND	1

APPLICATIONS BY AREA

GANGES	3	LOUIS LAKE	1
GARDEN BAY	1	LOWER NICOLA	2
GIBSONS LANDING	5	LUMBY	7
GOLD BRIDGE	1	LUND	1
GOLD RIVER	7	LYTTON	3
GOLDEN	7	MACKENZIE	8
GRAND FORKS	4	MALAKWA	1
GRANISLE	2	MAPLE RIDGE	75
GREENWOOD	1	MASSET	3
HALFMOON BAY	2	MATSQUI	15
HARTLEY BAY	1	MCBRIDE	1
HAZELTON	8	MEADOW CREEK	1
HEFFLEY CREEK	1	MERRITT	38
HERIOT BAY	2	METLAKATLA	1
HONEYMOON BAY	1	MILL BAY (SETTLEMENT)	2
HOPE	15	MISSION CITY	67
HORNBY ISLAND	1	MONTE CREEK	1
HOUSTON	8	MORICETOWN	2
HUDSON HOPE	2	MOUNT CURRIE	8
INVERMERE	3	MOUNT STEVENSON	1
KAMLOOPS	95	NAKUSP	5
KASLO	2	NANAIMO	145
KAWKAWA	1	NANOOSE BAY	4
KELLY LAKE	1	NELSON	8
KELOWNA	122	NESS LAKE	1
KEREMEOS	6	NEW DENVER	1
KERSLEY	1	NEW HAZELTON	4
KIMBERLEY	6	NEW WESTMINSTER	108
KINCOLITH	1	NITINAT LAKE	1
KINGCOME INLET (POST OFFICE)	1	NORTH VANCOUVER	87
KITCHENER	1	OAK BAY	1
KITIMAT	14	OKANAGAN FALLS	1
KLEENA KLEENE	1	OLALLA	1
LAC LA HACHE	1	OLD MASSET	1
LADNER	6	OLIVER	10
LADYSMITH	9	OSOYOOS	5
LANGFORD	9	OYAMA	1
LANGLEY	72	PARKSVILLE	25
LANTZVILLE	1	PEACHLAND	1
LIKELY	1	PEMBERTON	3
LILLOOET	11	PENTICTON	53
LOGAN LAKE	2	PITT MEADOWS	8
LONE BUTTE	1	PORT ALBERNI	70
LOUIS CREEK	1	PORT COQUITLAM	32

APPLICATIONS BY AREA

PORT EDWARD	1
PORT HARDY	18
PORT MCNEILL	1
PORT MOODY	18
PORT RENFREW	2
PORT SIMPSON	1
POUCE COUPE	1
POWELL LAKE	1
POWELL RIVER	40
PRESPATOU	1
PRINCE GEORGE	151
PRINCE RUPERT	26
PRINCETON	8
PUNTZI CREEK	3
QUADRA ISLAND	8
QUALICUM BEACH	10
QUEEN CHARLOTTE	1
QUESNEL	43
REDSTONE	1
REVELSTOKE	11
RICHMOND	89
RIVERS INLET	1
ROBERTS CREEK	1
ROBSON	1
ROCK CREEK	1
ROCK LAKE	1
ROSEDALE	5
ROSSLAND	1
ROYSTON	2
SAANICH	23
SAANICHTON	3
SALMO	1
SALT SPRING ISLAND	1
SANDSPIT	2
SARDIS	8
SATURNA	1
SATURNA ISLAND	1
SAVONA	2
SAYWARD	4
SCOTCH CREEK	2
SECHELT	7
SHALATH	1
SHAWNIGAN LAKE	7
SHEARWATER	1
SICAMOUS	15
SIDNEY	17
SLOCAN	2
SMITERS	30
SOOKE	13
SPARWOOD	4
SPENCES BRIDGE	1
SQUAMISH	9
STEWART	1
SUMMERLAND	11
SURREY	299
TACHIE	1
TAHSIS	3
TAKLA LANDING	2
TELEGRAPH CREEK	1
TELKWA	1
TERRACE	35
TOFINO	1
TOPLEY	1
TRAIL	14
TUMBLER RIDGE	4
UCLUELET	7
USK	5
VALEMOUNT	11
VANCOUVER	844
VANDERHOOF	9
VERNON	60
VICTORIA	241
WARE	2
WEST VANCOUVER	8
WESTBANK	15
WHALLEY	2
WHISKEY CREEK	2
WHISTLER MOUNTAIN	5
WHITE ROCK	21
WILLIAMS LAKE	30
WILLOW RIVER	1
WINFIELD	5
YARROW	4
ZEBALLOS	2
100 MILE HOUSE	14

	4,466
	=====

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims.

ILLUSTRATION NO. 1

On April 4, 1991, the claimant sustained burn injuries and suffered from extreme mental and emotional trauma due to the shooting and wounding of her husband and the death of her infant child at the hands of her husband's father. The occurrence began as a domestic dispute involving the offender at the residence. When the claimant's husband attempted to intercede in the confrontation, he was attacked and shot with a rifle by the offender. Thereafter the offender set the residence on fire and during the ensuing blaze the claimant's infant daughter who was in the residence sustained fatal injuries. The offender stands charged with attempted murder and murder in relation to this incident.

The claimant received emergency treatment for minor burn injuries with some singeing of scalp hair and a state of extreme mental and emotional trauma. She was treated appropriately and did not require hospital admission. The physical injuries resolved but the claimant was left with a state of profound mental and emotional trauma due both to the tragic loss of her infant child as well as the injury to her husband. There is a strong indication that the claimant will require a program of psychotherapy from a qualified therapist to assist her in dealing with the mental and emotional trauma arising from this event.

The claimant did not have a claim for loss of wages nor for funeral and related costs relating to the death of her child. She claimed the loss of a number of items of personal property including clothing, a purse and other items destroyed during the fire. These items are not however compensable under this Criminal Injury claim. Compensation is payable for property damage only in respect of such items as damage to dentures, hearing aides, a prosthesis or clothing on the person of the victim damaged during the criminal act. Clothing in the home of the victim is not covered under this provision.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. There is considered to be sufficient evidence to conclude that the claimant

is a victim of crime within the meaning of the Act and is entitled to be compensated for injuries sustained in this incident. Taking into consideration the nature of the injuries sustained and the pain, suffering and trauma relatable thereto an award of $40,000.00 is assessed.

In conjunction with this award and pursuant to Section 20(3) of the Act, her claim may be considered in future in light of psychotherapy costs incurred in therapy sessions from a qualified therapist necessitated by this incident and the tragedy involving her family. Should those costs not first be payable under her own medical plan or under another statutory program she may request further consideration of her claim in that respect.

AWARD: $40,000.00

ILLUSTRATION NO. 2

The claimant, now aged 48, stated that she was assaulted by her common-law husband, and his mother on April 21, 1990 in Maple Ridge, B.C.

The incident was reported to the police on May 12, 1990. In her report, the claimant stated that during the past few months, her relationship with the accused had deteriorated, and she wanted to end the relationship. The home in which she, the accused, and his parents were living was her home, and she was concerned about leaving the house. She was referred to Legal Aid and no further action was taken on the complaint.

A medical report was received indicating that the claimant was seen by him on June 19, 1990. She stated that she had been beaten by her husband six times, and was seeing a therapist. At that visit, the claimant was mentally and emotionally upset, and also had bruises on her forearm, and tenderness and swelling in her thighs and buttocks.

An invoice was submitted to the Board for therapy costs. The first visit noted on the invoice is June 7, 1990, and the visits continued until December 10, 1990. The invoice claimed for a portion of the therapy which was not paid by the claimant.

On September 4, 1990, the claimant was arrested and charged with assault against her common-law husband, and his parents. According to the information, the claimant attacked the mother, and then attacked the father and her common-law husband when they attempted to intervene. The claimant used a kitchen knife, and all three of the victims were treated for lacerations.

The Criminal Injury Compensation Act provides that compensation may be payable to a victim of crime. A victim of crime is defined as a person injured as a result of a crime that is included in the Schedule to the Act. In order to determine whether a person is a victim of crime and entitled to compensation, the Board must assess the circumstances in which the injuries were sustained.

In this case, the claimant alleged and reported that she had been assaulted on April 21, 1990. She did not receive medical attention following that incident. The report to the police was made approximately three weeks after the incident. No charges were pursued in relation to that incident. When the claimant attended the doctor on June 19, 1990, some injuries were noted. Those injuries were not reported to the police, and no further information is available concerning the circumstances in which the claimant sustained the injuries noted by the doctor on that date.

The invoice from the therapist contains very brief descriptions of the therapy. The first office visit was on June 7, 1990. The second visit on June 14 concerned relationship therapy - mental cruelty. The third and fourth visits on June 28 and July 24 refer to physical abuse.

It is apparent that the claimant and the accused were involved in an unhappy domestic relationship. There is little corroborative evidence of the claimant's allegations, and no criminal charges were pursued. There is evidence that the claimant herself assaulted the accused and his parents. The claimant has been charged in relation to that incident, and there is corroborative evidence of that incident in the form of witness and medical information. In these circumstances, no compensation is payable to the claimant.

NO AWARD

ILLUSTRATION NO. 3

On June 14, 1985, the deceased, age 28, sustained fatal injuries when she was shot by an unknown person or persons with a gun while she was seated in the passenger seat of a pick-up truck on a highway roadside near SQUAMISH, B.C. The deceased was then in the company of her common-law husband who was apparently involved in the illegal trade of drugs and guns and believed he may have been the target of this shooting. He committed suicide approximately one week following the deceased's death.

An application for benefits has been received from the ex-husband of the deceased, claiming benefits on behalf of two children of the deceased. The claim is for loss of support.

The deceased was not employed at the time of her death, but had custody of the children and was looking after them at the time. The applicant and the deceased had been living separate and apart at the time and the applicant had been making some financial contributions to her support and that of the children. There is some evidence that the deceased had been employed in the past. The two children had lived in foster homes for some time following the deceased's death, although the applicant indicates that he has now regained legal custody of the children and they currently continue to reside with him.

The deceased was a victim of the crime of murder within the meaning of the Act. There is also considered to be evidence that the children were partially dependent on the deceased for support at the time of her death and may have incurred some loss of pecuniary benefit as a result of her death. It is only pecuniary loss that is compensable under the provisions of the Act. Compensation cannot be awarded with respect to the inconvenience occasioned by the death or for the sorrow, pain or suffering cased by the bereavement.

Taking into consideration the deceased's age and stage in life, the pecuniary loss that may have been occasioned as a result of her death along with all other facts and circumstances of this case, an award of $100.00 per month is assessed for each child in connection with the deceased's death. This periodic sum is subject to future cost of living adjustment.

In conclusion the following compensation shall be awarded with respect to the deceased's death on or about June 14, 1985:

1. The sum of $100.00 per month payable to each child until they attain the age of 18 years and continuing thereafter but only for the duration he continues regularly to attend an academic, technical or vocational school until they attain the age of 21 years.

2. The aforementioned periodic awards payable to the children shall be paid, in trust, to their father to administer on their behalf and shall commence to be payable on June 15, 1985 and continue, thereafter, on or about the last day of each succeeding month.

EXAMPLES OF ALLOWED CLAIMS

902460 A 17 year old male was allegedly sexually assaulted by a male while spending the evening at his brother's home in Victoria, B.C. The incident was reported to the police. Victim suffered mental and emotional distress and received professional counselling. AWARD: $7,000 paid to the victim's mother in trust plus $1,200 therapy costs. Provision made for coverage of future psychotherapy costs necessitated by this incident.

903452 A 26 year male was attacked by a man wielding a rock or some form of weapon outside a pub in Powell River, B.C. Several other persons had become involved during the altercation. It did not appear to be any evidence that the claimant provoked the attack. The claimant was seen at the emergency ward at hospital suffering from scalp laceration and a rupture of the medial collateral ligament of his right knee. His knee was immobilized in a plaster cast and subsequently underwent considerable physiotherapy. He recovered without disability. AWARD: $16,443 ($8,500 pain and suffering and $7,500 wage loss, etc.)

91275 A 5 year old female was apparently touched and invited to touch a male person identified as a family member at a residence in Kamloops, B.C. There was considered to be sufficient evidence to lay charges of sexual assault. The claimant suffered emotional trauma and an appropriate program pf psychotherapy is required. The claimant is entitled to coverage of the cost of a psychotherapy treatment from a qualified therapist. AWARD: Coverage of therapy fees.

913039 A 31 year old male was attacked and severely beaten by two male persons in the New Westminster, B.C. area. The incident occurred following a minor motor vehicle accident between a car operated by the victim and the car operated by the offenders. The two male offenders were charged with attempted murder in relation to this incident. Victim suffered head injuries, was hospitalized and examination revealed a left temporal skull fracture, bilateral malar fractures, and a fractured left orbital floor constituting LeForte two fractures of the face. He underwent several surgical procedures and remained in hospital for approximately 3 and 1/2 months and was discharged under the care of a neurological surgeon. During the prolonged course in the intensive care unit, the victim developed pneumonia and respiratory difficulties which later required a tracheotomy. His level of function improved gradually and he undertook rehabilitation treatment at G.F. Strong Centre where he remained

for a further 4 months approximately. He was discharged from G.F. Strong Centre for placement in facilities having a program of full support living. Physiotherapy and cognitive functioning treatment will continue. The victim was not employed at the time of the incident and there was no available history of past employment. AWARD: $40,000 payable in trust to the victim's parents plus a monthly sum of $150.00 for the victim's daily and ongoing requirements plus approximately $4,400.00 per month for the cost of the care facility where the victim will reside. This sum will be paid for a period of one year at which time the circumstances of the victim will be reviewed.

912503 A 49 year old female was physically and sexually assaulted by two male offenders at her residence in Surrey, B.C. The persons responsible for the assault were not identified or apprehended. Victim was taken to hospital where she received treatment but was not admitted to hospital. Her injuries included multiple soft tissue contusions, a nasal fracture, concussion, dental damage and extreme mental and emotional trauma. AWARD: $20,521.97 (dental expenses, etc. -- $20,000.00 pain and suffering).

902029 A 28 old female was assaulted by her common-law husband in Prince George, B.C. The incident followed a domestic dispute and the offender was charged and placed on probation for 18 months. Victim sustained a black eye, bumps on the head and numerous bruises. She did not require medical treatment for her injuries. The victim and the offender continue to live together and the offender has indicated remorse for the incident. They have engaged in a program of joint counselling to overcome this single incident and maintain their relationship. AWARD: $2,240.00 ($2,000.00 pain and suffering and $240.00 counselling expenses) plus provision for further coverage of therapy.

903483 A 35 year female was physically and sexually abused by her father for a period of approximately two years at various locations including Queen Charlotte, B.C. The offender was responsible for similar abuse of his other daughters. He was convicted of sexual assault and assault causing bodily harm. Victim sustained multiple contusions although she did not receive medical treatment for these injuries. She also suffered emotional and psychological trauma. AWARD: $15,000.00 plus provision for further coverage of therapy.

91353 A 30 year old female was physically and sexually abused for a period of approximately 9 years in Valemount, B.C. while residing in a foster home. The foster

mother was convicted in 1989-1991 on several counts of assault against a number of the foster children in her residence. In addition, three of her sons were charged with sexual offences against the foster children. Victim suffered mental and emotional injuries as a result of these incidents. AWARD: $20,000.00 plus provision for further coverage of therapy.

903236 A 20 year old male was attacked and struck several times with an object described as a whiskey bottle by a male person near a road in Victoria, B.C. The offender was convicted of aggravated assault in connection with this incident. Victim was hospitalized for nine days with several deep face lacerations, deep laceration of the left globe with penetration into the sclera, a division of the left inferior rectos muscle and loss of all visual acuity in the left eye, lacerations of the left mastoid area of the scalp and of the dorsum of the left hand. He underwent multiple surgical procedures and post-operative recovery was completed. He was left with multiple facial scarring and without vision in his left eye. Cosmetic surgery may be necessitated in the future and it is anticipated that his left eye will have to be removed. It was determined that although he was handicapped by this incident he was not disabled from carrying on with general labouring work or employment as a cook. He was disabled for approximately four months. He was employed at the time of the incident. AWARD: $46,599.45 ($ 40,000.00 pain and suffering, $3,071.00 wage loss, etc...)

911631 A 22 year old male was shot by his father during a family dispute at the family residence in Alexis Creek, B.C. The offender set fire to the family residence after he shot the victim. The infant daughter of the victim sustained fatal injuries during this incident. The offender has been charged with murder and attempted murder. Victim was hospitalized with a gunshot wound to the back with penetration into multiple organs including liver, spleen and bowel. He underwent several surgical procedures and made a reasonable recovery from the physical injuries. He was left with mental and emotional trauma as a result of the incident. The victim was not employed. AWARD: $20,080.00 ($20,000.00 pain and suffering, $80.00 clothing damage) plus provision for coverage of future therapy costs.

901812 A 26 years old male was assaulted by an emotionally distraught and intoxicated man in a pub in Mission, B.C. The offender was charged with assault. Victim was taken to emergency ward in hospital for a left petrous skull fracture with cerebrospinal fluid otorrhea. He remained in hospital for approximately 10 days. He was left with temporary disability relating to imbalance but is expected to improve with time. He was employed as a

deck hand at the time of the incident and due to the imbalance problem cannot return to his former employment but is not considered disabled from working on dry land. AWARD: $50,000.00 ($43,605 pain and suffering, $6,045.00 wage loss, etc.).

902115 A 54 year old female was attacked and stabbed numerous times by a young man and a young woman outside a transition house in Mission, B.C. Both assailants were her clients in her capacity as a native court worker. The assailants were charged with attempted murder. Victim was treated in the emergency ward at the hospital for the multiple stab wounds and while in hospital developed multiple complications including lung atelectasis and pneumonia. She remained in hospital for approximately one month. She made progress in her recovery but was left with difficulties with her swallowing, opening her mouth, multiple scars and depression. It is considered that she will continue to recover. The victim was employed and received some employer funded insurance benefits. AWARD: $50,000.00 ($41,400.00 pain and suffering, $7,500.00 wage loss, etc.)

EXAMPLES OF DISALLOWED CLAIMS

91293 A 32 year old female alleges that she was assaulted by her husband at her residence in Surrey, B.C. The claimant did not seek medical attention and according to police, there was no evidence that any injury was sustained during the alleged incident. No criminal charges were ever laid in connection with this and previous alleged incidents. No award was granted as there was insufficient basis from which to conclude that the claimant is a victim under the Act.

90602 A 16 year old male sustained a gunshot wound to his left leg when he was shot by another man outside a restaurant in Vancouver, B.C. Police investigation revealed that the incident arose from an ongoing dispute between two rival gang members. The man believed to be responsible for the shooting was subsequently beaten to death by members of the rival gang. No criminal charges were laid with respect to this incident. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances including any behaviour of the victim that may have directly or indirectly contributed to his injuries. It was considered that the claimant was the author of his own misfortune and his contribution towards his injuries of a sufficient degree as to disentitle him to any award of compensation. No award was made.

901050 A 17 year old male sustained facial and dental injuries in an altercation with two male bouncers at a club in Vancouver, B.C. No criminal charged were laid in connection with the incident. Police investigation revealed that the claimant had initiated the altercation, was evicted from the premises by a male bouncer, subsequently re-entered the club and resisted the bouncer's attempts to eject him from the club. Crown counsel declined to proceed with criminal charges as the claimant was considered to be the aggressive party in the altercation and essentially the author of his own misfortune. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances including any behaviour of the victim that may have directly or indirectly contributed to his injuries. It was considered that the claimant was the author of his own misfortune and his contribution towards his injuries of a sufficient degree as to disentitle him to any award of compensation. No award was made.

902351 A 47 year old male signed an Application on May 9, 1990 for compensation relating to injuries sustained in an incident on May 16, 1990. Police report confirmed the incident date as May 16, 1990 and it is therefore considered that the date of the

Application is incorrect. The claimant alleged to have been attacked by unknown persons in Vancouver, B.C. and being transported by ambulance to a medical centre in Commercial Drive. According to police report, the staff of the medical centre contacted the police after the claimant arrived there for treatment. Witnesses to the incident explained that it was a domestic dispute and the claimant did not wish police involvement. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances including any behaviour of the victim that may have directly or indirectly contributed to his injuries. As the claimant did not report the alleged assault and presented a false version of what occurred, there was considered to be insufficient evidence from which to conclude that the claimant was a victim of crime. No award was made.

901963 A 13 year female was allegedly sexually assaulted in Chilliwack Lake, B.C. The claimant, her family and friends went on a camping trip and she alleged that a mentally handicapped member of the group came to her tent and sexually assaulted her. A medical examination was conducted and there was no evidence of the assault. Due to inconsistent statements and lack of other corroborative evidence, no charges were laid. The determination of whether a criminal offence has occurred is one for the Board to make after reviewing the circumstances of each case. Because of the discrepancies in the claimant's allegations and the consistent denial of the alleged offender, there was insufficient evidence from which to conclude that the claimant was a victim of crime and no award was made.

90953 A 19 year old male died at his residence in Nazko, B.C. as a result of stab wound injuries sustained to his right interior chest and abdomen. Police investigation and pathological findings indicated that the wound was self-inflicted. The deceased was under the influence of alcohol at the time and was emotionally distraught over the recent death of a family member. He apparently had attempted suicide in the past. The deceased's death did not result from a criminal act or omission and accordingly, he could not be classified as a victim of crime within the meaning of the Act. No award was made.

903118 A 62 year old male claimed for injuries sustained as a result of an alleged assault in Vancouver, B.C. The incident was not reported to the police until two months after the alleged incident. No investigation was conducted because no suspect could be identified. There was no corroborative evidence and the claimant received no medical treatment. There

was insufficient evidence from which to conclude that the claimant was a victim of crime and no award was made.

91509 A 15 year old female claimed for compensation for an alleged sexual assault at a location in Surrey, B.C. Police investigation revealed that the claimant had been drinking and was involved in a relationship with a 27 year old male. No charges were laid and it was determined that the allegation was totally false and the complaint had been fabricated. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances including any behaviour of the victim that may have directly or indirectly contributed to his injuries. As the claimant presented a false version of what occurred, she was not considered to be a victim of crime. No award was made.

902150 An 11 year old female allegedly was sexually abused by her father at a location in Prince George, B.C. No criminal charges were pursued as, according to police, their investigation at no time confirmed or produced any evidence of sexual abuse. In the opinion of the investigating officer there was considerable doubt that sexual abuse had occurred and it was noted that the parents were involved at the time in a custody dispute. It was also noted that no report was made to the police until long after the claimant's mother was allegedly first aware of the possibility that sexual abuse had occurred. In addition, allegations made with respect to sexual abuse of elder daughter were adamantly denied by her. Under the circumstances of the case it was considered that there was insufficient evidence on which to conclude that the claimant was a victim of crime under the Act. No award was made.

902997 An 18 year old female claimed that she was assaulted and suffered stab wounds when attacked by a former female friend in a bar in Vancouver, B.C. According to police investigation and admitted by claimant, an altercation took place at the bar and an eyewitness stated that the claimant and the alleged offender were evicted from the premises. The altercation continued outside where the claimant sustained her injuries. She did not cooperate with the police investigation and refused to provide a statement. Due to her lack of cooperation, no criminal charges were pursued. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances including any behaviour of the victim that may have directly or indirectly contributed to his injuries. The evidence indicates that the claimant was a willing participant in the altercation and refused to assist the police in their investigation. As a result no criminal trial could take place in which to canvass independent

evidence. As there was insufficient basis from which to conclude that the claimant was a victim of crime no award was made.

912165 A 14 year old was allegedly physically abused by his mother in Powell River, B.C. Investigation indicates that no criminal charges have ever been laid in connection with these allegations. No medical evidence was available, no evidence of physical abuse was found by the police and it is noted that the parents of the claimants were involved in a custody dispute. In the absence of any evidence of an objective nature to confirm the allegations, it was not concluded that the claimant was a victim of crime under the Act. No award was made.

91033 A 37 year old male alleged that he was assaulted by a male person identified as a bailiff who was attempting to seize a car belonging to a friend of the claimant at a residence in Surrey, B.C. The claimant did not lay any charges and according to the police, the bailiff was acting lawfully while in possession of a court order authorizing the seizure of the car. The police indicated that the claimant was in an intoxicated and abusive state and was the aggressor at the time of the incident. Section 4(1) of the Act provides that the Board will have regard to all relevant circumstances , including any behaviour of the victim that may have directly or indirectly contributed to his injury. Under the circumstances of this case it was determined that if the claimant suffered injuries, he was the authour of his own misfortune. No award was made.

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